
DEPARTMENT PHILOSOPHY

Michigan Department of Health and Human Services (MDHHS) has a unique opportunity to assist families in becoming strong, viable, participative members of the community. By involving the adult members of the household in employment-related activities, we help restore self-confidence and a sense of self-worth. These are cornerstones to building strong, self-reliant families.

The goal of the Food Assistance Program (FAP) is to ensure sound nutrition among children and adults. In addition, the goal of our employment-related policies for FAP households is to assist applicants and recipients toward self-sufficiency by providing them with opportunities to pursue employment and/or education and training.

DEPARTMENT POLICY

Use this item to determine work-related activities and deferrals for FAP clients.

Also use this item when FIP or Refugee Cash Assistance (RCA) closes for any reason other than a penalty or disqualification.

The items listed below must be used when FIP or RCA closes due to noncompliance and a penalty or disqualification is imposed.

If the noncompliant client:

- Received FIP and FAP on the date of noncompliance; see BEM 233B.
- Received RCA and FAP on the date of noncompliance; see BEM 233C.
- Did not receive FIP or RCA on the date of noncompliance; see BEM 233B.

See BEM 620 for more specific work requirements that apply to Time Limited Food Assistance (TLFA) Program recipients.

Note: Michigan is temporarily covered by a waiver that eliminates the policies in BEM 620 until further notice. BEM 620 is not available for TLFA recipients at this time.

BEM 620, Time-Limited FAP, is only available historically in the MDHHS online manuals. The last version, effective 10/01/2003, may be accessed by entering an effective date of 03/01/2004 in the open/jump/search panel.

WORK REQUIREMENTS

Non-deferred adult members of FAP households must comply with certain work-related requirements in order to receive food assistance. However, unlike cash benefits, which are tied to participation in Partnership. Accountability. Training. Hope. (PATH), there are no hourly PATH requirements for the Food Assistance Program. In order to receive FAP benefits, non-deferred adults must comply with the following work requirements:

Non-deferred adults must be registered for work and be informed of work requirements.

Non-deferred adults who are already working may not do any of the following:

- Voluntarily quit a job of 30 hours or more per week without good cause.
- Voluntarily reduce hours of employment below 30 hours per week without good cause.

Note: If the job quit or reduction in hours occurred more than 30 days prior to the application date, no penalty applies.

Non-deferred adults who are not working or are working less than 30 hours per week must:

- Accept a bona fide offer of employment.
- Participate in activities required to receive unemployment benefits if the client has applied for or is receiving unemployment benefits.

Note: If a client is an applicant or recipient of unemployment benefits, he/she must follow through with the unemployment benefits program's procedures and requirements. This work requirement does not apply to a client who is clearly not eligible for unemployment benefits. Do not require a client to apply for unemployment benefits in order to receive FAP.

Disqualify FAP clients for noncompliance if the applicant or recipient is neither deferred (see deferrals in this item) nor noncompliant with one of the FAP work requirements listed above.

In order to provide all FAP adults with the opportunity to pursue employment and/or education and training that will lead to self-sufficiency, encourage FAP applicants and recipients to pursue employment services such as job search, employment counseling, education and training, etc.

Workforce Innovation and Opportunity Act (WIOA) services may be available to all adults in FAP households. Other programs, such as the non-cash recipient program may be available to employed, underemployed, or recently employed adults residing in a household with a child under 18. Every local Michigan Works! Agency throughout Michigan operates both of these programs and may provide additional employment and training services. However, local variations, restrictions and/or policies may apply. Check with a local Michigan Works! Agency to determine what employment and education/training services are available in the area.

Do not disqualify FAP program applicants or recipients for failing to comply with WIOA services or any other suggested employment and training component.

Determine each group member's participation requirement at:

- Application.
- Redetermination.
- Change in circumstance that might affect the person's participation requirement; see BAM 105 for changes in circumstances that are required to be reported for the FAP.

INFORMING CLIENTS

Explain all of the following to FAP clients:

- FAP work requirements.
- Rights and responsibilities of non-deferred adults in FAP households.
- Consequences of their failure to comply.
- Right of deferred persons to participate.

- Reporting requirements. What constitutes good cause for noncompliance; see BEM 233B.

DEFERRALS

Clients meeting one of the criteria below are temporarily deferred from employment-related activities and work registration.

Age

Defer a person who is:

- Under age 16 or at least age 60.
- A 16- or 17-year old who is not the grantee.
- A grantee age 16 or 17 who:
 - Lives with a parent or person in that role.
 - Attends school at least half time.
 - Is enrolled in an employment/training program at least half time.

See BEM 240 and BEM 245 for verification requirements.

Care of a Child

Defer one person who personally provides care for a child under age six, even if the child is not a member of the FAP group, unless the child is in another FAP group in which another person is providing the care.

Care of Disabled Household Member

Defer one person who personally provides care for a disabled member, even if the disabled member is not a member of the FAP group, unless the disabled member is in another FAP group in which another person is providing the care.

To verify, use a statement from an M.D./D.O./P.A that the client's presence is needed to assist the household member with minimum daily activities of living.

Disability

Defer persons incapacitated due to injury, physical illness or mental illness.

Verify a reason for deferral only if it is not obvious and the information provided is questionable (unclear, inconsistent or incomplete).

Sources that may be used to verify questionable information are:

- SSI/RSDI/MA approval or receipt based on disability or blindness. For SSI and RSDI, use one of the sources referenced in FIP policy, Care of Disabled Spouse or Disabled Child, in BEM 230A.
- An evaluation signed by a fully licensed psychologist that the client has an IQ of 59 or less.
- Statement from an M.D./D.O./ P.A that the person is unable to work.
- The DHS-54A, Medical Needs; DHS-49, Medical Examination Report; DHS-49-D, Psychiatric/Psychological Examination Report; or another written statement is acceptable.

Education

A person enrolled in a post-secondary education program may be in student status, as defined in BEM 245, STUDENT STATUS.

Employment

Persons employed, self-employed or in work study an average of 30 hours or more per week over the benefit period **or** earning on average the federal minimum wage times 30 hours per week are **not** required to participate in any further employment-related activities. This includes migrant or seasonal farm workers with an employer or crew chief contract/agreement to begin work within 30 days.

See VERIFICATION SOURCES in BEM 500 to verify income.

Pregnancy

Defer pregnant women, beginning the seventh month of pregnancy or earlier, if a pregnancy complication is medically documented.

Confirmation by an M.D./D.O./P.A, certified nurse-midwife, ob-gyn nurse practitioner or ob-gyn clinical nurse specialist, which must include an expected date of delivery.

The DHS-49, Medical Examination Report; DHS-54A, Medical Needs; or another written statement is acceptable.

**SSI/FAP
Applicants**

Defer applicants who apply for both SSI and FAP through the Social Security Administration. The application for SSI and FAP must be made at the same time.

**Substance Abuse
Treatment Center
Participant**

Defer active participants in inpatient or outpatient programs for substance abuse treatment and rehabilitation. This does not include AA or NA group meetings. To verify, use a verbal or written statement from the center.

**Unemployment
Compensation
(UC) Applicant or
Recipient**

Defer an applicant for or recipient of unemployment benefits. This includes a person whose unemployment benefits application denial is being appealed.

Use a DHS-32, UCB Claims Information Request to verify.

LEGAL BASE**FAP**

Food Stamp Act of 1977, as amended
7CFR Parts 272 and 273
FNS Waiver 2040026